

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6029**

**BILL NUMBER: SB 6**

**NOTE PREPARED:** Feb 13, 2007

**BILL AMENDED:** Feb 6, 2007

**SUBJECT:** Disclosure of Cell Phone Location Information.

**FIRST AUTHOR:** Sen. Ford

**FIRST SPONSOR:** Rep. Micon

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** ☒ **GENERAL**  
☐ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires a commercial mobile radio service (CMRS) provider to disclose to a law enforcement officer the automatic location identification of a subscriber upon request if an emergency situation exists that involves the immediate danger of death or serious bodily injury to any person, including a situation in which there is a credible report of an unexplained missing person.
- B. It requires a law enforcement officer to provide a copy of a valid warrant or subpoena to the CMRS provider within 48 hours of receiving the location information.
- C. It provides immunity from civil liability for good faith disclosures of information by CMRS providers.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Court Fee Revenue:* If civil actions would occur without immunity provided by this bill, revenue to the state General Fund would decrease from foregone court fee collections. A civil filing fee of \$100 is assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. Civil cases initiated by the state do not carry these court fees. No historical data are available on the number of civil court cases brought against CMRS providers for information disclosure, specifically by private parties. Consequently, precise revenue losses cannot be estimated.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Court Fee Revenue:* If civil actions would occur without immunity provided by this bill, local governments would forgo revenue from the following sources:

- If the case is filed in a trial court, the county general fund would receive 27% of the \$100 filing fee. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees.
- If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Local law enforcement agencies; Trial courts; City and town courts.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 232-9852.